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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,509	12/10/2003	Keiichi Aoyama	03500.017777	4629

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FITZPATRICK CELLA HARPER & SCINTO
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NEW YORK, NY 10112

EXAMINER

WATT, CHRIS A

ART UNIT	PAPER NUMBER
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2174

MAIL DATE	DELIVERY MODE
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06/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/731,509

Applicant(s)

AOYAMA ET AL.

Examiner

Chris Watt

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4,5,7,8 and 11-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,5,7,8 and 11-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/9/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is responsive to the Amendment filed 4/16/2007.
2. Claims 1, 4-5, 7-8 and 11-14 are pending in this application. Claims 1 and 11 are the independent claims. In the instant Amendment, claims 2-3, 6 and 9-10 were cancelled, claims 11-14 were added and claims 1, 4-5 and 7-8 were amended. This action is made Final.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

4. Claims 1, 4-5, 7-8 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Killian ("Killian" US Patent No. 6,163,316) in view of Gordon et al. ("Gordon" US Patent No. 6,208,335) and Ellis et al. ("Ellis" US Patent No. 6,898,762).

Regarding independent claim 1, Killian teaches a digital broadcasting receiver comprising receiving means for receiving a digital television signal and GUI data included in a broadcasting wave, the GUI data being screen data to be displayed on a display unit (i.e. "TUNER/DECODER", "PLATFORM" and "AUDIO/VIDEO OVERLAYS" in FIG. 1 et seq. of Killian). Killian does not teach installing means for installing and displaying or a menu for selectively installing and receiving GUI data.

Gordon teaches installing means for selectively installing the GUI data received by said receiving means and displaying means for displaying the installed GUI data on the display unit (i.e. compare "INFORMATION SERVER" and "VIDEO SESSION MANAGER" in FIG. 1 et seq. of Gordon and "APPLET" in FIG. 5 with displayed GUI

data in FIGS. 9-19). It would have been obvious to an artisan at the time of the invention to combine the installed GUI data of Gordon into the broadcasting receiver of Killian. Said artisan would have been motivated to combine Gordon into Killian to combine navigation software into the broadcasting receiver to improve the interactive menu structure of the on-screen program guide (i.e. see col. 2 line 1 et seq. of Gordon).

Ellis teaches installing means which displays a selecting menu through which a user can select as to whether the GUI data received by said receiving means is installed or not (i.e. "PROVIDE USER WITH OPPORTUNITY TO DEFINE PREFERENCE PROFILE" in FIG. 21 et seq. of Ellis). It would have been obvious to an artisan at the time of the invention to combine the selectable installing means of Ellis into the broadcasting receiver of Killian as modified by Gordon. Said artisan would have been motivated to combine Ellis into the modified Killian to provide the user with a unique user experience customized to filter program guide data and minimize bandwidth requirements (i.e. see col. 2 line 16 et seq. of Ellis).

Regarding dependent claim 4, Killian, in combination with Gordon and Ellis teaches a digital broadcasting receiver according to claim 1, further comprising storage means for storing user's preference information, wherein the GUI data includes keyword information relating to the GUI data, said installing means installs the GUI data received by said receiving means when the keyword information corresponds to the user's preference information stored in said storage means (i.e. "STORAGE DEVICE" in "PROGRAM GUIDE SERVER" in FIG. 2a et seq. of Ellis).

Regarding dependent claim 5, Killian, in combination with Gordon and Ellis teaches a digital broadcasting receiver according to claim 4, wherein said installing means includes notifying means for notifying a user when the keyword information corresponds to the user's preference information, and executing means for determining an execution of an installation of the GUI data based on an instruction by the user (i.e. compare "PROFILE" and "SUGGEST" in FIG. 3 et seq. of Killian).

Regarding dependent claim 7, Killian, in combination with Gordon and Ellis teaches a digital broadcasting receiver according to claim 4, wherein the keyword information is characteristics information of a remote control (i.e. compare "REMOTE CONTROL" with "SECONDARY STORAGE DEVICE" in FIG. 3 et seq. of Ellis), the preference information is tendency information for a user's operation (i.e. compare "PROFILE" and "SUGGEST" in FIG. 3 et seq. of Killian), and the GUI data to be installed is selected based on comparison between the characteristics information and the tendency information (i.e. "PROVIDE VIEWING RECOMMENDATIONS BASED ON PREFERENCE PROFILE" in FIG. 21 et seq. of Ellis).

Regarding dependent claim 8, Killian, in combination with Gordon and Ellis teaches a digital broadcasting receiver according to claim 7, wherein the tendency information includes at least one of a history of an operation for executing a given function, a type of misoperation caused before execution of the given function, a hand holding the remote control, and information as to whether the remote control is laid in use or held in use (i.e. "PROVIDE VIEWING RECOMMENDATIONS BASED ON PREFERENCE PROFILE" in FIG. 21 et seq. of Ellis).

Regarding independent claim 11, Killian teaches a controlling method of a digital broadcasting receiver, said method comprising the steps of: receiving a digital television signal and GUI data included in a broadcasting wave, the GUI data being screen data to be displayed on a display unit (i.e. "TUNER/DECODER", "PLATFORM" and "AUDIO/VIDEO OVERLAYS" in FIG. 1 et seq. of Killian). Killian does not teach installing means for installing and displaying or a menu for selectively installing and receiving GUI data.

Gordon teaches selectively installing the GUI data received in the receiving step; and displaying the installed GUI data on the display unit (i.e. compare "INFORMATION SERVER" and "VIDEO SESSION MANAGER" in FIG. 1 et seq. of Gordon and "APPLET" in FIG. 5 with displayed GUI data in FIGS. 9-19). It would have been obvious to an artisan at the time of the invention to combine the installed GUI data of Gordon into the broadcasting receiver of Killian. Said artisan would have been motivated to combine Gordon into Killian to combine navigation software into the broadcasting receiver to improve the interactive menu structure of the on-screen program guide (i.e. see col. 2 line 1 et seq. of Gordon).

Ellis teaches in said installing step, a selecting menu is displayed so that a user can select through the menu as to whether the GUI data received in said receiving step is installed or not (i.e. "PROVIDE USER WITH OPPORTUNITY TO DEFINE PREFERENCE PROFILE" in FIG. 21 et seq. of Ellis). It would have been obvious to an artisan at the time of the invention to combine the selectable installing means of Ellis into the broadcasting receiver of Killian as modified by Gordon. Said artisan would have

Art Unit: 2174

been motivated to combine Ellis into the modified Killian to provide the user with a unique user experience customized to filter program guide data and minimize bandwidth requirements (i.e. see col. 2 line 16 et seq. of Ellis).

Regarding dependent claim 12, Killian, in combination with Gordon and Ellis teaches the controlling method according to claim 11, further comprising a step for inputting a user's preference information, wherein: the GUI data includes keyword information relating to the GUI data; and in said installing step, when the keyword information corresponding to the user's preference information is inputted, the GUI data received by said receiving step is installed (i.e. "PROVIDE USER WITH OPPORTUNITY TO DEFINE PREFERENCE PROFILE" in FIG. 21 et seq. of Ellis).

Regarding dependent claim 13, Killian, in combination with Gordon and Ellis teaches the controlling method according to claim 12, wherein said installing step includes: a step for notifying a user when the keyword information corresponds to the user's preference information; and a step for determining an execution of an installation of the GUI data based on an instruction by the user (i.e. compare "PROFILE" and "SUGGEST" in FIG. 3 et seq. of Killian).

Regarding dependent claim 14, Killian, in combination with Gordon and Ellis teaches the controlling method according to claim 12, wherein: the keyword information is characteristics information of a remote control (i.e. compare "REMOTE CONTROL" with "SECONDARY STORAGE DEVICE" in FIG. 3 et seq. of Ellis); the preference information is tendency information for a user's operation (i.e. compare "PROFILE" and "SUGGEST" in FIG. 3 et seq. of Killian); and the GUI data to be installed is selected

Art Unit: 2174

based on comparison between the characteristics information and the tendency information (i.e. "PROVIDE VIEWING RECOMMENDATIONS BASED ON PREFERENCE PROFILE" in FIG. 21 et seq. of Ellis).

Response to Arguments

Applicant's arguments with respect to claims 1, 4-5, 7-8 and 11-14 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 2174

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chris Watt whose telephone number is (571) 270-1046. The examiner can normally be reached on Monday-Thursday 6:30-4:00 Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris A. Watt/

June 18, 2007

CAW


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